

CHAPTER NO. 1017

HOUSE BILL NO. 2716

By Representatives Odom, Bowers, Brenda Turner

Substituted for: Senate Bill No. 2455

By Senator Cooper

AN ACT to amend Tennessee Code Annotated, Title 63 .

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding the following as a new section to be appropriately designated:

Section 63-6-____. (a) The transfer of patient medical information to a person in another state who is not licensed to practice medicine or osteopathy in the State of Tennessee, using any electronic, telephonic or fiber optic means or by any other method, constitutes the practice of medicine or osteopathy if such information is employed to diagnose and/or treat persons physically located within the State of Tennessee.

(b) Notwithstanding the provisions of subsection (a) of this section to the contrary, the transfer of such information shall not constitute the practice of medicine if:

(1) such information is to be used by a medical doctor or doctor of osteopathy licensed in Tennessee; or

(2) such information is to be used for a second opinion requested by a Tennessee licensed medical doctor or doctor of osteopathy, ,provided no charges are assessed for such second opinion; or

(3) such information is to be used by an out-of-state physician for treatment of a person who is seeking medical treatment out of Tennessee; or

(4) such information is used to determine if such patient is covered by insurance; or

(5) such information is to be used by physicians in another state to provide occasional academic consultations to a medical school located in Tennessee; or

(6) such information is used by insurance or related companies for risk evaluation, utilization review, claims processing and/or evaluation of claimants' rehabilitation including establishing and administering rehabilitation plans. The establishing and administering of such rehabilitation plans shall not include the diagnosis and/or treatment of persons physically located within the State of Tennessee as prohibited by subsection (1)(a) of this act.

SECTION 2. The provisions of this act shall not apply to research hospitals, as defined in Tennessee Code Annotated, Section 63-6-204(d)(7)(H).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SUNDQUIST, GOVERNOR